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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,459	08/27/2003	Terumasa Suyama	2842.18US01	5781

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EXAMINER

RUTLAND WALLIS, MICHAEL

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,459

Applicant(s)

SUYAMA ET AL.

Examiner

Michael Rutland-Wallis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/2006 has been entered.

Response to Arguments

Applicant's arguments, filed 10/02/2006, with respect to claims 1-11 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Applicant recites in claim 7 the restriction information device, the identification device and first verification device is arranged in the vehicle, however in the parent claim (claim 1) Applicant claims the restriction information device and first verification device are arranged in the electronic key. Additionally claim 7 recites the limitation identification device, which is not claimed until claim 2, therefore said limitation lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunsch (U.S. Pub. No. 20030117261) in view of Losey (EP 1 101 670 A2)

With respect to claims 1 and 8 Gunsch teaches an electronic key system (Fig 1) for use in a vehicle having an accessory (items 26 or 24), the electronic key system comprising: a electronic key (Fig. 1); an input device (items 26 or 32) arranged in the electronic key to input identification information (users fingerprint for example) to the electronic key; a first verification device arranged in the electronic key (item 33 and/or 49) connected to the input device to compare the input identification information with pre-registered identification information (stored in memory onboard microcontroller). Gunsch describes limiting or restricting control of the vehicle systems to children or

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valets (see paragraph 0014-0017), as a function of the electronic key system, therefore while not embodied in the drawings of Gunsch inherently Gunsch must include a restriction information generation device or component in order to affect provide various levels of authorization. Gunsch teaches the use of a transmitter item 45 to transmit specific codes (see paragraph 0065-0067) corresponding to the operation restriction information and the electronic key wirelessly outputs the code. Gunsch does not describe a control unit to perform wireless communication. Gunsch also lacks the teaching of a restriction control device with a second verification device arranged within the vehicle. Losey (EP 1 101 670 A2) teaches a similar system including a teaching of enabling restricted access to vehicle accessories by way of wireless communication when the certain signals or codes are transmitter to a restriction controller (item 22). Losey further teaches in column 3 lines 20-30 verifying authorization codes within the vehicle transmitted from the fob corresponding to different levels of security. Losey teaches controller operates in different modes based on codes exchanged between the controller and the fob (item 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of a control unit and verification device to verify and restrict certain vehicle systems based on transmitted vehicle codes in the system of Gunsch as seen in the teachings of Losey in order to increase the security of the vehicle if in fact such control circuitry is not present in the system of Gunsch.

With respect to claims 2 and 3 Gunsch teaches the input device is an individual identification device for detecting a distinctive bodily feature (i.e. fingerprint data) of an

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individual, and the pre-registered identification information is an pre-registered distinctive bodily feature, and wherein the first verification device (items 33 and/or 49) that compares the distinctive bodily feature detected by the individual identification device with the pre-registered distinctive bodily feature to determines whether the detected distinctive bodily feature matches the pre-registered distinctive bodily feature.

With respect to claim 4 Gunsch teaches the electronic key system includes a master key (driver's fingerprint) and a sub-key (such as a password paragraph 0069), which is used in lieu of the master key.

With respect to claim 5 and 6 Gunsch teaches the restriction information generation device is located in the located in the electronic key fob unit, which contains the key and sub-key unit.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunsch (U.S. Pub. No. 20030117261) in view of Losey (EP 1 101 670 A2), and further in view of Murakami et al. (U.S. Pat. No. 6,281,599)

With respect to claim 8 Gunsch teaches an electronic key system (Fig 1) for use in a vehicle having an accessory (items 26 or 24), the electronic key system comprising; a electronic key (Fig. 1) to communicate with the vehicle to control the vehicle systems, an input device (items 26 or 32) arranged in the electronic key to input identification information (users fingerprint for example) to the electronic key; a first verification device arranged in the electronic key (item 33 and/or 49) connected to the input device to compare the input identification information with pre-registered identification information (stored in memory onboard microcontroller). Gunsch describes limiting or restricting

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control of the vehicle systems to children or valets (see paragraph 0014-0017), as a function of the electronic key system, therefore while not embodied in the drawings of Gunsch inherently Gunsch must include a restriction information generation device or component in order to provide various levels of authorization. Gunsch teaches the use of a transmitter item 45 to transmit specific codes (see paragraph 0065-0067) corresponding to the operation restriction information and the electronic key wirelessly outputs the code. Gunsch does not describe a communication circuit to output a request signal via wireless communication. Gunsch also lacks the teaching of a restriction control device arranged within the vehicle. Murakami teaches the use of communication circuits and the transmitting of request signal in order to control access to vehicle functions. Losey teaches a similar system including a teaching of enabling restricted access to vehicle accessories by way of wireless communication when the certain signals or codes are transmitter to a restriction controller (item 22). Losey further teaches in column 3 lines 20-30 verifying authorization codes corresponding to different levels of security. Losey teaches controller operates in different modes based on codes exchanged between the controller and the fob (item 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of a control unit in the system of Gunsch as seen in the teachings of Murakami in order to increase the security of the vehicle if in fact such control circuitry is not present in the system of Gunsch and to include a restriction control device as seen in Losey in order to control the different levels of security or authorization as seen in the teaching of Gunsch.

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With respect to claim 9 Gunsch as modified above teaches the key has code which is output and outputs the ID code by means of wireless communication when receiving the request signal, and the restriction control device (shown in Murakami or Losey) unlocks a door of the vehicle when the door of the vehicle is locked and the received ID code is an authorized one.

With respect to claim 10 Gunsch teaches the input device is an individual identification device for detecting a distinctive bodily feature is a fingerprint (i.e. fingerprint data) of an individual.

With respect to claim 11 Gunsch teaches the electronic key system includes a master key (driver's fingerprint) and a sub-key (such as a password paragraph 0069), which is used in lieu of the master key.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRW

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal line extending from the end of the signature towards the right.

**ANATOLY VORTMAN
PRIMARY EXAMINER**